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Paper No. 4-5

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In re Application of : C. Haala
Application No. 09/985,734
Filed: November 6, 2001
For: METHOD AND SYSTEM FOR
OBSTRUCTING A PERSON FROM
NEGOTIATING A TRANSACTION
WITH ANOTHER PERSON, GROUP, OR
ENTITY IN A POPULATION

**DECISION ON PETITION
TO MAKE SPECIAL**

This is a decision on the petition, filed January 11, 2002 under 37 C.F.R. §102(d) and M.P.E.P. §708.02(XI): Inventions For Countering Terrorism, to make the above-identified application special.

M.P.E.P. §708.02 (XI), which sets out the prerequisites for a grantable petition for Inventions For Countering Terrorism under 37 C.F.R. § 102(d), states in relevant part:

International terrorism as defined in 18 U.S.C. 2331 includes "activities that - (A) involve violent acts or acts dangerous to human life that are a violation of the criminal laws of the United States or of any State, or that would be a criminal violation if committed within the jurisdiction of the United States or of any State; [and] (B) appear to be intended - (i) to intimidate or coerce a civilian population; (ii) to influence the policy of a government by intimidation or coercion; or (iii) to affect the conduct of a government by assassination or kidnapping..." The types of technology for countering terrorism could include, but are not limited to, systems for detecting/identifying explosives, aircraft sensors/security systems, and vehicular barricades/disabling systems.

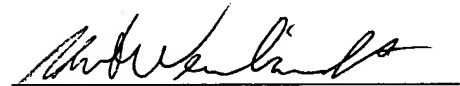
Applicants who desire that an application relating to inventions for countering terrorism be made special should file a petition with the petition fee under 37 CFR 1.17(h) requesting the Patent and Trademark Office to make the application special. The petition for special status should be accompanied by a statement explaining how the invention contributes to countering terrorism.

Petitioner's submission fails to meet the criteria set out with respect to countering terrorism in M.P.E.P. §708.02(XI). The claimed invention is directed to obstructing a person from conducting a transaction based on a portable data device and status, profile and/or biometric information. However, transactions per se do not equate with acts of terrorism. Transactions are not "violent acts or acts dangerous to human life that are a violation of the criminal laws of the

United States or of any State" or activities "that would be a criminal violation if committed within the jurisdiction of the United States or of any State" as indicated above nor are they necessarily intended to intimidate a population or influence a government.

Although it can be said that preventing an individual from engaging in transactions will limit that individual's capability to engage in acts of terrorism, the method and system disclosed do not alter the individual's cash on hand, available credit or other finances. The manner of "obstructing" the transaction is not thoroughly detailed in the disclosure. The system and method do not directly control the inventory of goods or grant of access that the individual is seeking in the transaction. Implementation of the system and method and enforcement of the outcome appears to be up to the user. For example, a cash transaction with someone who, by choice or coercion, does not implement or enforce the outcome of the system or method is not addressed. Since terrorist acts can be conducted with a wide range of materials, unwavering diligence in both effective nationwide implementation of the system and method, and effective nationwide enforcement of the outcome of the comparison would be required over an equally wide range of private, retail and commercial transactions in order to ensure success. This is not fully addressed by the claims or the disclosure. Thus, further steps beyond the disclosure would be required to actually offset or nullify terrorism. As a result, no advancement in the technology of countering terrorism has been persuasively shown.

Accordingly, the petition is **DISMISSED**. The application file is being forwarded to Central Files to await examination in its proper turn based on its effective filing date. Any request for reconsideration must be filed within two months of the mailing date of this decision.



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